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**MONDAY, MARCH 7, 2005**

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**8:00 a.m. Weed & Parks Board meeting at Weed & Parks Office**

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.**

**MONTHLY MEETING W/ BOBBIE KELLY, RSVP**

Present at the March 07, 2005 9:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, RSVP Director Bobbie Kelly, and Clerk Moser.

Discussion was held relative to United Way grant meeting scheduled for March 8<sup>th</sup>, KOFI interview scheduled, cribbage tournament, Share Fair, Love Day recognition luncheon Commissioner Brenneman was requested to attend on April 16<sup>th</sup>, third year of the Corporation for National Community Service federal grant, Assistant Pence volunteered to assist in the writing, and the upcoming golf tournament scheduled for June 18<sup>th</sup>.

**MONTHLY MEETING W/ KIM CROWLEY, LIBRARY**

Present at the March 07, 2005 9:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Librarian Kim Crowley, and Clerk Moser.

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(Continued)**

Discussion was held relative to Kim Crowley apologized for missing her last meeting, the remodel of the main library building and the budget on that, the request for a position opening for a Professional Librarian to replace the Child Librarian, State Library legislation day, partner library group now included Polson and Drummond, circulation figures for January 2005 are up 7 percent over January 2004, three grants recently received, the film series that had 65 people show up to the Kalispell showing, and the Whitefish circulation numbers and the planned remodel for that building.

**PRELIMINARY PLAT: BAR-K-2**

Present at the March 07, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planner Kirsten Holland, Rick Breckenridge with Montana Mapping, and Clerk Moser.

Holland reviewed the application submitted by Carol Senner for preliminary plat approval of Bar K-2 Subdivision, a minor subdivision that will create four single-family residential lots. The subdivision is located west of Kalispell off of Von der Heide lane. The property is unzoned. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-04 as Findings of Fact with the addition of the conditions regarding the class A & B roofing and the defensible space, also adding those conditions to condition five to add these to the face of the final plat. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve Preliminary Plat of Bar-K-2 Subdivision subject to the amended 14 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**PRELIMINARY PLAT: BRAIG ROAD SUBDIVISION**

Present at the March 07, 2005 9:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planner Kirsten Holland, Robert Hanger with F&H Land Surveying, and Clerk Moser.

Holland reviewed the application submitted by Robert Braig for preliminary plat approval of Braig Road Subdivision, a minor subdivision that will create two single family residential lots with a remainder. The subdivision is located southeast of Whitefish off Braig Road. The property is zoned AG-20. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-07 as Findings of Fact with the added conditions on class A&B roofing, and defensible space, and adding these conditions to the face of the plat. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve Preliminary Plat of the Braig Road Subdivision subject to 14 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**PRELIMINARY PLAT: EAST VIEW ESTATES**

Present at the March 07, 2005 10:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, and Clerk Moser.

Morrison reviewed the application submitted by Michael Fraser for preliminary plat approval of East View Estates Subdivision, a minor subdivision that will create four single family residential lots. The subdivision is located approximately ¼ mile west of the junior High School on Three Mile Drive, just west of Kalispell. The property is zoned R-1, West Side Zoning District. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-05 as Findings of Fact with the addition of a condition to add to the north side of lot one a ten foot bike path easement and the corrected RSID language. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve Preliminary Plat of Eastview Center subject to 9 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: STENSRUD**

Present at the March 07, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planner George Smith, and Clerk Moser.

Smith reviewed the Lakeshore Construction Permit submitted by Dorothy Stensrud to extend the L of existing crib/pier dock. The dock extends 65 feet from the shore and is 8 feet wide (crib portion). The top leg is 23 feet long and 8 feet wide, and is to be extended 10 to 13 feet (pier portion). Existing dock will be repaired as required. Repairs and new construction will be unfinished wood with steel pilings, and debris will be removed from the Lakeshore Protection Zone. The property shoreline extends for 105 feet, and total impervious cover of 816 square feet is within allowance for a residential dock.

Commissioner Brenneman made a **motion** to approve Lakeshore Permit FLP-05-02 subject to 16 conditions and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF LAKESHORE PERMIT: HOLLINGER**

Present at the March 07, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planner George Smith, and Clerk Moser.

Smith reviewed the Lakeshore Construction Permit submitted by Scott Hollinger to harvest timber using a horse logging company on the private islands located in the upper arm of Echo Lake. No trees will be removed from the Lakeshore Protection Zone. Restore slight anticipated beach disturbance from skidding logs. Damage will be minimized by working when the ground and lake are frozen, and placing roller logs as need to prevent excessive gouging of the shoreline. No motorized equipment will be used during the logging or clean-up operations. Staff recommends approval.

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(Continued)**

Commissioner Brenneman made a **motion** to approve Lakeshore Permit FLP-05-16 subject to 18 conditions and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**PRELIMINARY PLAT: EASTVIEW CENTER**

Present at the March 07, 2005 10:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, Lisa Wurster with TD&H, Ardis Larsen and Jeff Larsen with Larsen Engineering and Surveying, Peg Eddie, Maurice Eddie, and Clerk Moser.

Goodrich reviewed the application submitted by Maurice and Peggy Eddie for preliminary plat approval of Eastview Center Subdivision, a subdivision that will create six commercial lots. The subdivision is located on the west side of Highway 2, ¼ mile north of Reserve Drive in Kalispell. The property is zoned B-2. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FPP-04-47 as Findings of Fact with the correction to condition three and the correction to the tract number from 1AE to 1AF. Commissioner **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve Preliminary Plat of East View Center subject to 14 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF PUBLIC ROAD EASEMENT: FOREST SERVICE**

Present at the March 07, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Discussion was held relative to an easement from the Forest Service located in Hungry Horse dated the 18<sup>th</sup> day of February and signed by Cathy Barbouletos.

Commissioner Brenneman made a **motion** to approve the road easement from the Forest Service to Flathead County. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF ADOPTION OF RESOLUTION: CLARIFY 457 DEFERRED COMP PLAN / ICMA RETIREMENT CORP**

Present at the March 07, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Human Resource Director Raeann Campbell, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Commissioner Brenneman made a **motion** to adopt Resolution 1798A. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 1798A

WHEREAS, the Board of Commissioners received a request from Michael Pence (Employee), who began employment with Flathead County (Employer) on February 22<sup>nd</sup>, 2005 as County Administrator for the creation of a 457 Deferred Compensation Plan administered by ICMA Retirement Corporation;

WHEREAS, the Employee will be rendering valuable services to Employer;

WHEREAS, the establishment of a deferred compensation plan for Employee serves the interests of Employer by enabling it to provide reasonable retirement security for Employee, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel;

WHEREAS, the Board of Commissioners determined that the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation serves the above objectives;

WHEREAS, the Board of Commissioners desires that its deferred compensation plan be administered by the ICMA Retirement Corporation, and that some or all of the funds held under such plan be invested in the Vantage Trust Company, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans; and

WHEREAS, the Board of Commissioners wishes to clarify the provisions of Resolution No. 1798.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Commissioners of Flathead County hereby adopts the deferred compensation plan (the "Plan") in the form of the ICMA Retirement Corporation Deferred Compensation Plan and Trust, attached to Resolution No. 1798 adopted on February 22, 2005 as Appendix A.

BE IT FURTHER RESOLVED that the Board of Commissioners hereby reaffirms the execution of the Declaration of Trust of the Vantage Trust Company, attached to Resolution No. 1798 as Appendix B, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the Vantage Trust Company.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of the Plan participants and their beneficiaries, and the assets shall not be diverted to any other purpose.

BE IT FURTHER RESOLVED that the Plan will not offer a Sidecar IRA program and will not permit loans.

BE IT FURTHER RESOLVED that the Flathead County Human Resource Officer shall be the coordinator for this program; shall receive necessary reports, notices, etc. from the ICMA Retirement Corporation or the Vantage Trust Company; shall cast, on behalf of the Employer, any required votes under the Vantage Trust Company; carry out Administrative duties, and is authorized to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

Dated this 7<sup>th</sup> day of March, 2005.

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(Continued)**

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall  
Gary D. Hall, Chairman

By: \_\_\_\_\_  
Robert W. Watne, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Kimberly Moser Deputy

By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

**CONSIDERATION OF POSITION OPENING: PROFESSIONAL LIBRARIAN**

Present at the March 08, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Human Resource Director Raeann Campbell, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Commissioner Brenneman made a **motion** to forward the request to Human resources for further review. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**MEETING W/ ALAN MARBLE RE: FIRE PREPERATION PLANS**

Present at the March 07, 2005 meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, OES Director Alan Marble, Road Department Superintendent Charlie Johnson, and Clerk Moser.

Discussion was held relative to what is being done to prepare for the upcoming fire season including classes to be taken, county ID's being created, software to be used, restriction that will have to be made, discussions from the last chiefs meeting, the need for Red Cards and the Red Card curriculum.

**MEETING W/ DAN WALLS / MDOT RE: HIGHWAYS**

Present at the March 07, 2005 11:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Clay Colby, Dan Walls, Narda Wilson, Mike Miller, Ray Harbin, Road Department Superintendent Charlie Johnson, Planning and Zoning Interim Director Johna Morrison, and Clerk Moser.

Discussion was held relative to problems with development within the County and the City including the Whitefish Stage Development, the Proposed Glacier Mall, Two Rivers, and Ice Box Canyon. Dan Walls discussed their need to become proactive on situations that may come up for the MDOT. On Whitefish Stage the problem is moving power line's to the edge of the right away if the road is widened. The commissioners requested to have the name of someone from MDOT that could assist them with any questions that they may have while completing the long range plan. Dan Walls recommended Ray Harbin. The cost for RSID's was discussed. Charlie Johnson questioned the 80 feet from centerline easement MDOT would like to have on Whitefish Stage. Ray Harbin voiced his opinion on the need to talk about the overall rapid development of the community, and the need to work together to save the tax payers money. Johna Morrison brought up the problem with sending referrals to MDOT and not receiving any responses, and who they should be sending these referrals to.

**CONSIDERATION OF ADOPTION OF LOAD LIMITS**

Present at the March 07, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve Resolution 1804. Commissioner Hall seconded the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**Resolution No. 1804**

WHEREAS, the Board of Commissioners of Flathead County, Montana, is responsible for the maintenance of public highways under its jurisdiction;

WHEREAS, said public highways can be seriously damaged or destroyed by deterioration, rain, snow, thawing, or other climatic conditions unless the permissible vehicle weights are reduced;

WHEREAS, the Board of Commissioners of Flathead County, Montana, has the authority under Section 61-10-128, M.C.A., to impose restrictions on the weight of vehicles traveling on public roads under its jurisdiction;

WHEREAS, the public safety requires the immediate imposition of limits on county roads as an emergency measure to prevent accidents and damage to property.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Flathead County, Montana, pursuant to Section 61-10-128, M.C.A., that the following load limits shall apply until further order of the Board.

Load limit single axle 7 tons, tandem axle 14 tons, 350 lbs. per inch width of tire, however, at no time will the weight exceed 14,000 lbs. per single axle and 28,000 lbs. per tandem axle. Speed limit as posted.

Load limit single axle 8 tons, tandem axle 16 tons, 400 lbs. per inch width of tire, however, at no time will the weight exceed 16,000 lbs. per single axle and 32,000 lbs. per tandem axle. Speed limit as posted.

The load limit on the following roads shall be 350 to 400 pounds per inch of tire width as marked as well as 35 miles per hour speed limit: (If a particular road on this list has not been marked then no load limit is imposed at this time.)

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350 400 pounds per inch of tire.

350 4th St. NW and 4th St. NE in Columbia Falls from 4th Ave. E to 4th Ave. NW.

350 7th St. W in Whitefish from Karrow Ave to Baker Street.

350 Angel Point Road from Frontage road to end of road

350 Ashley Lake Road from Highway 2 to intersection with North Ashley Lake Road

350 Antelope Trail from Highway 93 to Hodgson Road.

350 Auction Road from Highway 93 to the end of the road

350 Bald Rock Road from Rhodes Draw to Church Drive

350 Batavia Road from Highway 2 to Ashley Lake Road

350 Beaver Lake Road from Hwy 93 N. to the end of the road.

350 Belton Stage Road from Hwy 2 to Hwy 2.

350 Bierney Creek Road from Hwy 93 to the end of the road.

350 Big Horn Drive from Hwy 2 to Smith Lake Road.

350 Birch Grove from Helena Flats to Whitefish Stage.

350 Bitterroot Drive from Highway 2 to Pleasant Valley Road

400 Blacktail Road from Highway 93 to the end of the road.

350 Blanchard Lake Road from Hwy 93 to Karrow Ave.

350 Boon Road from Highway 93 to end of road

350 Bowdish Road from US 93 for it's entire length

350 Browns Meadow for its entire length.

350 Brunner Road from Hwy 2 to S. Hilltop.

400 Church Drive from Farm-to-Market to Bald Rock Road

400 Church Drive from Highway 93 to Farm-to-Market Road

400 Columbia Falls Stage and River Road from Highway 35 to Highway 2

350 Creston Hatchery Road from Highway 35 to Lake Blaine Road

350 Dillon Road for it's entire length.

400 East Lakeshore from Big Mountain Road to the end of the road.

350 Echo Lake Road form MT 83 for it's entire length.

350 Egan Slough Road from Hwy 35 to the end of the road.

350 Elk Park Road from Hwy 206 to the end of the road.

350 Fairmont Road south from Highway 35.

350 Farm Road from Lower Valley to the end of the road.

400 Farm-to-Market from Hwy 93 North, go south to Tally Lake Road intersection.

400 FAS 486 (North Fork Road) from end of the oil, north to end of road

400 Foothills Road from Lake Blaine Road to Echo Lake Road

350 Gopher Lane from Highway 2 to Pleasant Valley Road

400 Good Creek Road from American Timber entrance off of Highway 93 to the end of the road.

400 Halfmoon Road north of Highway 40 from Stoltz Lumber Mill entrance going north to end of the road.

350 Grayling Road from Bierney Creek Rd. to Troutbeck Rd.

350 Hanging Rock Drive from Highway 82 to Holt Drive.

350 Helena Flats from Pioneer Road to Hwy 35.

350 Hodgson Road from Hwy 93 to Hwy 2.

350 Hoffman Draw from Highway 2 to end of road

350 Hog Heaven from Highway 29 to end of road

350 Holt Drive the entire length of the road.

350 Hubbart Dam Road from Highway 2 to Crossover Road

350 Jellison Road from Jellison Lane to South Hill Top Road.

350 J P Road from Whitefish River to Monigan Road.

350 Karrow Ave. for the entire length of the road.

350 Kila Road for the entire length of the road.

350 LaBrant Road for it's entire length.

400 Lake Blaine Road from Highway 35 to Foothills Road

350 Lake Five Road form Hwy 2 to the Belton Stage Road.

350 Lost Prairie Road from Highway 2 to Pleasant Valley Road

400 Lower Valley Road from Highway 93 to Highway 82

350 Lupfer Road from Highway 93 to the end of the road.

350 Managhan Lane from Highway 2 to Batavia Lane

350 Marquardt Lane from Highway 2 to Kienas Road

350 Martin Camp Road Highway 93 to the end of the road.

350 McMannamy Draw from Farm-to-Market to end of road

350 Monegan Road for the entire length of the road.

350 Morning View Drive for the entire length of the road.

350 Nine Mile Road for its entire length.

350 Nirada Lane for it's entire length.

350 North Somers Road for it's entire length.

350 Olney Loop Road for the entire length of the road.

350 Patrick Creek from Foys Canyon Road to end of road

350 Pennoyer Road for it's entire length.

350 Pioneer Road from Helena Flats to the end of the road.

350 Pleasant Valley Road from Highway 2 to Lost Prairie Road

350 Reservoir Road from E. Lakeshore to the end. (Northwoods Drive)

400 Rhodes Draw from Farm-to-Market to end of road

400 Rocky Cliff Road from Highway 93 to Airport Road

350 Rogers Lake Road from Highway 2 to Sickler Creek Road

350 Rose Crossing from Whitefish Stage to Helena Flats.

350 Schrade Road from Hwy 93 to Whitefish Stage Road

350 Sickler Creek Road from Highway 2 to Rogers Lake Road. .

350 Smith Lake Road from Whalebone Drive to Kila Road

350 Snow Line Road from Highway 93 to the end of the road

350 Somers Stage Road from Hwy 93 to the end of the road.

350 South Fork Road from US Hwy 2 to Spotted Bear Road.

350 South Hilltop Road from Talbot Road to Jellison Road.

350 South Woodland Dr. from Woodland Ave. to Kelly Road.

350 Springcreek Road from Hwy 93 to the end of the road.

350 Stillwater Raod from Hwy 424 to the end of the road.

350 Swan River Road from MT 83 to MT 209.

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- 350 \_\_\_ Tamarack Creek Road from Hwy 93 N. to the end of the road.
- 350 \_\_\_ Tamarack Lane from 4th Ave NW to East Edgewood Drive.
- 350 \_\_\_ Thompson River Road from Highway 2 to County Line
- 350 \_\_\_ Timber Lane for the entire length of the road.
- 350 \_\_\_ Trumble Creek Road from Hodgson north to Highway 40
- 350 \_\_\_ Voerman Road for it's entire length.
- 350 \_\_\_ Walsh Road from Hwy 2 to South Hilltop Road.
- 350 \_\_\_ West Evergreen from Highway 2 to Whitefish Stage Road
- 350 \_\_\_ West Springcreek from Highway 2 to Three Mile Drive
- 350 \_\_\_ West Valley Road from Highway 2 to Four Mile Drive
- \_\_\_ 400 Whitefish Stage from Kalispell City Limits to Reserve
- 350 \_\_\_ Wiley Dike Road for it's entire length.
- 350 \_\_\_ Yoeman Hall from Hwy 206 E. to the end of the road.

Variances may be granted by permit obtained through the County Road Department.

BE IT FURTHER RESOLVED, that this resolution shall be effective March 7<sup>th</sup>, 2005 , and shall be in effect until load limits are removed by motion of this Board.

Dated this 07 day of March 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Gary D. Hall  
Gary D. Hall, Chairman

By: \_\_\_\_\_  
Robert W. Watne, Member

By: /s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/Kimberly Moser  
Kimberly Moser Deputy

- 2:00 p.m. Commissioners Hall and Brenneman to attend Meeting w/ Somers residents Re: Proposed neighborhood plan**
- 4:00 p.m. Commissioner Hall to attend Natural Resource Committee meeting at Commissioners' Meeting Room.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 08, 2005.

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**TUESDAY, MARCH 8, 2005**

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.**

**MONTHLY MEETING W/ JOE RUSSELL, HEALTH DEPT**

Present at the March 08, 2005 9:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Discussion was held relative to the position openings, EMS letters out this week, Health Promotion Specialist attendance to a seminar, homeland security grant, Joe Russell's attendance at the strategic plan meeting, the relationship between OES and Flathead County, Sewer and stand alone systems including Pressentine Ranch Subdivision stage 2 system and how these systems are going to be run and maintained, the status of Evergreens relationship with Kalispell, and the acceptance of wells on one and two acre tracts.

**CONSIDERATION OF POSITION OPENING: PUBLIC HEALTH NURSE & WIC PROGRAM ASSISTANT I**

Present at the March 08, 2005 9:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the position replacement of Reproductive Health Program Assistant I, the Public Health Nurse, and the WIC Program Assistant I. Commissioner **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**MONTHLY MEETING W/ LAURIE REBUCK, JUVENILE DETENTION CENTER**

This meeting was not held.

**MONTHLY MEETING W/ KAROLE SOMMERFIELD, 4-H OFFICE**

Present at the March 08, 2005 10:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

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Discussion was held relative to the new employee in the 4-H Office, a leaders banquet, Murdoch's being the sponsor of 4-H, the fact that the Flathead County 4-H is one of the most active branches in the state, the hog shortage in the valley, the auction program and the money it brings in, medical supplies received by the state for kits to distribute to different agencies in the valley, where the 4-H office will go when their annex is gone, and Commissioner Brenneman questioned if 4-H could start some programming to increase interest in Volunteer Firefighting.

**MEETING W/ HEALTH BENEFITS COMMITTEE**

Present at the March 08, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Human Resource Director Raeann Campbell, Jim Mohn, Jan Leddy, Clerk and Recorder Paula Robinson, and Clerk Moser.

Discussion was held relative to expanding the county options with 457 plans, and the presentations made by Edward Jones and DA Davidson, Edward Jones presented three different programs, DA Davidson presented just one, the Health Benefits consensus to go with Edward Jones.

Commissioner Brenneman made a **motion** to go with the Health Benefits Committee recommendation and go with Edward Jones for the plan. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**FINAL PLAT: THE RIDGES, PHASE 2**

Present at the March 08, 2005 10:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, Planning and Zoning Interim Director Johna Morrison, and Clerk Moser.

Morrison reviewed the application submitted by Sands Surveying and Scott Reichner, for final plat approval of The Ridges, Phase 2 Subdivision creating twelve single family residential lots. The subdivision is located in Section 23&24, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana. Preliminary Plat approval was granted September 30, 2003 subject to 24 conditions. All conditions have been met. Staff recommends approval

Commissioner Brenneman made a **motion** to approve the subdivision improvement agreement and authorize the chairman to sign. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the Final Plat for The Ridges, Phase 2. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BOARD APPOINTMENTS: RSVP, FLATHEAD COUNTY MUSEUM BOARD**

Present at the March 08, 2005 11:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to appoint Delores Swanberg to the Flathead County Museum Board, Pete Fauske to the RSVP Board, and Bridget Crosby to the RSVP Board. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**TAX REFUND: MOOSES SALOON**

Present at the March 08, 2005 11:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the tax refund request for Mooses Saloon. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**TAX REFUND: DESHOLTEL**

Present at the March 08, 2005 11:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the letter of disapproval from the Department of Revenue in regards to the tax refund request for Desholtel, due to Desholtels failure to submit their request by the required deadline. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**DOCUMENT FOR SIGNATURE: MDOT CONTRACT AMENDMENT / EAGLE TRANSIT**

Present at the March 08, 2005 11:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the MDOT Contract Amendment for Eagle Transit. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**AWARD BIDS: ASPHALT, DIESEL & GAS, GRAVEL CRUSHING, TIRES, CHIPS/ROAD DEPT**

Present at the March 08, 2005 11:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the bid from Northern Energy for Propane in the amount of .07 per gallon, with a \$1.00 yearly rental fee on related equipment. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid from Tire Rama for new tires and Les Schwab for Recap tires. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

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Commissioner Brenneman made a **motion** to approve the bid from Schellinger Construction for crushing 3/8 chips in the amount of 11.25 per ton. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid from City Service Valcon for gasoline and diesel. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid from Schellinger Construction for 70,000 ton of ¾ grade B at 3.27 per ton. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the bid from Montana Refining for PG6422, PG5822 and SS-1 tack oil in the amount of \$180.25 per ton, also for the CRS-2 in the amount of \$205.80. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: MATTER AND BELL/BIGFORK ZONING DISTRICT**

Present at the March 08, 2005 11:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve Resolution 956BI. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 956 BI

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, after the publication of legal notice, on the 24<sup>th</sup> day of January, 2005, concerning a proposal to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) to B-2 (General Business);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at said hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Bigfork Area Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 956 BH, dated January 24, 2005) to change the zoning designation in a portion of the Bigfork Area Zoning District from B-3 (Community Business) to B-2 (General Business) and;

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 3 and February 10, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Bigfork Area Zoning District to change the zoning designation for the area described on Exhibit "A" hereto, from B-3 (Community Business) to B-2 (General Business), as those terms are used and defined in the Flathead County Zoning Regulations, located in Permanent File No. 93270 13500, in the Flathead County Clerk and Recorder's Office.

DATED this 8<sup>th</sup> day of March, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall  
Gary D. Hall, Chairman

By: \_\_\_\_\_  
Robert W. Watne, Member

By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Kimberly Moser Deputy

**EXHIBIT A  
MARGRIT MATTER, MICHELLE AND JIM BELL  
ZONE CHANGE FROM B-3 TO B-2**

**Location and Legal Description of Property:**

The properties are in the Bigfork Zoning District and have frontage on Montana Highway 35, just south of Ice Box Canyon. The properties contain a total of 4.36 acres and may be described as Assessor's Tracts 3AAAA, 3AAAE, and 3AAAF, all in Section 25, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

**CONSIDERATION OF ADOPTION OF FINAL RESOLUTION: ZINKE & GRANITE HOLDINGS/HIGHWAY 93 NORTH ZONING DISTRICT.**

Present at the March 08, 2005 11:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.



**TUESDAY, MARCH 08, 2005  
(Continued)**

Commissioner Brenneman made a **motion** to approve Resolution 837BD. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 837 BD

WHEREAS, the Board of Commissioners of Flathead County, Montana, held a public hearing, following publication of legal notice, on the 24th day of January, 2005, concerning a proposal to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-5 (Suburban Agricultural), SAG-10 (Suburban Agricultural) and AG-40 (Agricultural) to R-2 (One Family Limited Residential) and B-2 (General Business);

WHEREAS, the Board of Commissioners did hear public comment on the proposed zoning change at that hearing;

WHEREAS, the Board of Commissioners reviewed the recommendation of the Flathead County Planning Board regarding the proposed change in the Highway 93 North Zoning District;

WHEREAS, based upon that recommendation and the public testimony, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205, M.C.A., adopted a resolution of intention (Resolution No. 837 BC, dated January 24th, 2005) to change the zoning designation of the property described on Exhibit A, in a portion of the Highway 93 North Zoning District from SAG-5 (Suburban Agricultural), SAG-10 (Suburban Agricultural) and AG-40 (Agricultural) to R-2 (One Family Limited Residential) and B-2 (General Business); and

WHEREAS, notice of passage of that Resolution was published once a week for two weeks, on February 3 and February 10, 2005, and the Board of Commissioners did not receive written protests to the change from forty per cent (40%) of the freeholders in the Highway 93 North Zoning District.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-205(6), M.C.A., hereby amends the Highway 93 North Zoning District to change the zoning designation in a portion of the Highway 93 North Zoning District from SAG-5 (Suburban Agricultural), SAG-10 (Suburban Agricultural) and AG-40 (Agricultural) to R-2 (One Family Limited Residential) and B-2 (General Business), that property being described on Exhibit A.

DATED this 8th day of March, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Gary D. Hall  
Gary D. Hall, Chairman

By: \_\_\_\_\_  
Robert W. Watne, Member

By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Kimberly Moser  
Kimberly Moser Deputy

**EXHIBIT A  
GRANITE HOLDINGS & PAT ZINKE  
ZONE CHANGE FROM SAG-5, SAG-10 AND AG-40 TO R-2 & B-2**

**Location and Legal Description of Property:**

The property proposed for the map amendment is located directly across Highway 93 to the east of The Majestic Valley Arena and contains approximately 215 acres. The property's legal description is Tracts 5, 4H, 4K, 2F, and Lot 2, Subdivision #128 of Section 7, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

**CONSIDERATION OF PRINTING BIDS: ANIMAL CONTROL**

Present at the March 08, 2005 11:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Assistant Pence, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the printing bid from Q Business Source in the amount of \$705.23 for Citation Books for Animal Control. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the printing bid from Northstar Printing in the amount of \$72.00 for Letterhead for the Health Department. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the printing bid from Great Northern Printing in the amount of \$15.00 for 500 First Trimester Appointment cards. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the printing bid from Great Northern Printing in the amount of \$75.00 for 2,500 Reproductive Health Appointment Cards for the Health Department. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 09, 2005.

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## WEDNESDAY, MARCH 09, 2005

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**9:00 a.m. Personnel Interviews (till noon)**

**1:00 p.m. Commissioner Hall to attend the Flathead On The Move meeting at the Central School Museum**

**4:00 p.m. Commissioner Hall to attend the RAC meeting at the Commissioner Meeting Room.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 09, 2005.

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## THURSDAY, MARCH 10, 2005

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

### **Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction,**

Tony Anderson – I live on Von der Heide Lane. I just had noticed in the last couple of weeks that my neighbor has now divided her corner piece of property into four more lots. For those of you who are not familiar, this is Highway 2 going out of town, this is Von der Heide Lane. Gordon Conrad has subdivided all of this up here. Do you know where I am at now. With these four more homes going in, and there are now three more homes here, the traffic on this road is really getting crazy. Through the winter it is not quite so bad, because there are not construction trucks and things going up and down there. The day before yesterday I literally almost got wiped out. I came around this corner, this says it is a forty foot declared easement, but it is very narrow. The sad thing of it is, is they have a mail box here, there is now a mail box here, and one here, a real estate sign here, and to get vehicles around each other and dodge mailboxes I would appreciate it if you would take a look at it, because it is not wide enough for two vehicles to pass. Past me there are twenty two mail boxes. On Caps Road here, there are twenty seven. There are quite a few people who use this particular road. Up here I think that we are okay. I am not complaining about up here. It is really wide, and there is not much of a problem up here. If all of these people shooting in and out, and going up to this new subdivision, that Conrad has created, and with these three new homes. What I did not understand is that every single box is on the inside going up, except these two new homes, they put theirs on the opposite side, and then this real estate sign here.

Commissioner Hall – Mail boxes are regulated.

Commissioner Brenneman – It should be on the same side of the road.

Tony Anderson – I would be more than happy to go and talk to the postmaster about it, but I don't know who regulates that, or how that is done. If there is someone coming, you are literally weaving in and out trying to dodge things. I understand that when Gordon Conrad sold this piece here, he allowed another easement on this side here for the county, but, and this is according to you head road supervisor gentleman that I met up here on the corner one day, forgive me I forgot his name.

Commissioner Hall – Charlie.

Tony Anderson – What had happened is that Flathead Electric had already run the power utilities right next to the easement, right next to the road. I don't understand why this is such a menagerie if difficulties, where this is no communication of what is going on. With these trucks continually going up and down here, which there is going to be construction. Now I am concerned about four more lots, and there just were two more new ones back here. There is getting to be a lot of traffic on this road. I would just ask you gentlemen to take a look at that.

Commissioner Hall – Did we get the other issue worked out okay for you.

Tony Anderson – Perfect. You did a great job, and I wanted on record to say thank you Gary, because you followed through every single detail. It took some time, but every single detail was taken care of. I would just ask that you gentlemen look at this, because this goes down hill, I don't know if you recognize that or not, but this goes down hill. These are all trees along here, and in the winter time this from here, to about here stays pure icy. It never gets graded. You are coming over and down that hill, and there is going to be a major wreck in the winter time. There just is no place to go, and all of the sudden you are caught in a bind. There is a big tree right here on this corner. If you go look at it, that tree has been smucked, I will bet you a dozen times, because they come around this corner too fast. If you would consider taking a look at that road. I don't know how, there is some room to widen there, the fence, and then there is a burrow pit.

Commissioner Hall – I think that when we came out last time we surveyed the other. Is it today that we are going out with Charlie? We cancelled that didn't we.

Commissioner Brenneman – Yes, because Michael is not here.

Commissioner Hall – We are planning a road trip. Did we reschedule?

Commissioner Brenneman – We are going to plan it when Charlie comes in on Monday. We meet with Charlie on Monday. We will bring this up. I need to drive out there and look at that, because this is not the first thing that we have had on Von der Heide Lane.

Tony Anderson – This intersection is a disaster going to happen. Charlie was out there one day, and I visited with him about it. Apparently when Conrad tied into the county road he just did it. He did not have any guidance, he just did it. Now there is no yield sign, no nothing. You come down this road, or even if you are going up, these guys come shiving out of here like crazy.

Commissioner Hall – I think that our attorney is involved in this. Tony, what is your phone number again.

Tony Anderson – Like I said no complaints, all I am doing is giving a heads up. Somebody is going to get hurt right in here, especially with these, you just assigned into approval Tuesday I guess.

**THURSDAY, MARCH 10, 2005  
(Continued)**

Commissioner Brenneman – I asked what kind of shape Vonder Heide land in. Whoever was here said that it was in good shape.

Tony Anderson – No. It is not in good shape. I talked to Charlie about it a couple of time, and Charlie said that we need some more gravel, we just don't have any gravel. It is a very dusty road, because the gravel is all gone. I believe I visited with you about those guys mounding it up to a role instead of grading it flat. Whoever grades that road every time they grade it, they grade it flat. If water sets you are going to have a pot hole. If they grade it on a mound your water runs off.

Commissioner Hall – Their new policy in the county is, and if you go out, the operators in the east of Middle Road, you go along a lot of those side roads, they have now pulled everything out of the ditches. They have gone in the ditch and got every bit of gravel, and they are mounded. Of course then we got calls from people asking why we were mounding their road. That really is the right way to do it. You get run off. You get less potholes, and the gravel stays on longer.

Tony Anderson - My daughter lives on Mennonite Church Road. You drive down Mennonite Church and you drive down Vonder Heide, and it is incredible. I bet if you count metal boxes and houses I think that you would be surprised at how many people live on Vonder Heide.

Commissioner Brenneman – I have been on Mennonite Church Road, and it is a big wide road.

Tony Anderson – A big wide road with lots of nice gravel, and every time the guy who grades it, you can tell it is the same guy every time, because he does a perfect job. Whoever does Vonder Heide he grades that flat. As a matter of fact in the spring, which won't be this year, the road itself is so flat that it becomes a drain field. The water runs right down the middle road.

Commissioner Hall –I know what Charlie is going to say. He is going to say that we need to get some gravel on it. We are making our priority list, so we will absolutely go out there.

Tony Anderson – I understand, and I want to let you guys know I appreciate it. All this was was a heads up meeting.

**no one else rising to speak, Chairman Hall closed the public comment period.**

**MONTHLY MEETING W/ JOHNA MORRISON, PLANNING & ZONING OFFICE**

Present at the March 10, 2005 9:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Planning and Zoning Interim Director Johna Morrison, and Clerk Moser.

Discussion was held relative to application activity, 123 applications so far, Cottonwood Subdivision master plan amendment approved, the zone change failed, Homestead at Whitefish Subdivision approved, next Wednesday sewer text amendment is scheduled, Mill Creek Subdivision and PUD, the possibility of raising fees to help cover the cost of hiring a new staff member, the commissioners requested that Johna compare the Flathead with other counties on fees and deadlines, Commissioner Brenneman questioned the possibility of limiting the number of applications submitted every month, and update on the Two Rivers project, Ray Thompson has pulled out of the project, and a request made by a member of the public to be able to get more information on line, instead of having to come into the office to get anything, and the Helena Flats growth policy amendment.

**PRELIMINARY PLAT: SUNNY DENE, LOT 2**

Present at the March 10, 2005 9:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Planner Traci Sears-Tull, Ardis Larsen with Larsen Engineering, Joe Kaufman with Big Sky Surveying, and Clerk Moser.

Morrison reviewed the Preliminary Plat application submitted by Dennis Skramstad for preliminary plat approval of the Amended Plat of Lot2, Sunny Dene Subdivision, a minor subdivision that will create one additional single-family residential lot from an existing residential lots. The subdivision is located in the Creston area approximately 9 road miles east and south of Kalispell. There are nine conditions of approval. The property is unzoned. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR-05-10 as findings of fact with the added RSID language. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat application of Sunny Dene, Lot 2, subject to 9 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**PRELIMINARY PLAT: TAMARACK VIEW**

Present at the March 10, 2005 9:45 A.M. meeting were Chairman Hall, Commissioner Brenneman, Planner Traci Sears-Tull, Ardis Larsen with Larsen Engineering and Surveying, Alan Avery, Timothy Goodwin, Debbie Goodwin, Joe Kaufmann with Big Sky Surveying, and Clerk Moser.

Sears-Tull reviewed the preliminary plat application submitted by Alan Avery, for the preliminary plat approval of Tamarack View Subdivision, a minor subdivision that will create four single-family residential lots. The subdivision is located northwest of Whitefish off of Tamarack Creek Road. There are 11 conditions of approval. A variance is requested for the portion of Lot 1 that is divided by a public street or road. The property is unzoned. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report #FSR-05-06 as findings of fact. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat application of Tamarack View Subdivision subject to 11 conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**THURSDAY, MARCH 10, 2005  
(Continued)**

**PRELIMINARY PLAT: CRESTON MEADOWS 3**

Present at the March 10, 2005 10:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Timothy Goodwin, Debbie Goodwin, Dawn Marquardt and Debbie Shoemaker with Marquardt and Marquardt Surveying, Joe Kaufman with Big Sky Surveying, and Clerk Moser.

Sears-Tull reviewed the preliminary plat application submitted by Timothy & Deborah Goodwin for preliminary plat approval of Creston Meadow 3 Subdivision, a minor subdivision that will create three single-family residential lots. The subdivision is located off of Prosperity Lane, west of Many Lakes Drive, approximately .3 mile east of Montana Highway 35. There are 9 conditions of approval. The property is currently unzoned. Staff recommends approval.

Commissioner Brenneman made a **motion** to adopt Staff Report FSR-04-53 with the correction of the schools from Cayuse Prairie to Creston School District with the addition of the DNRC language for defensible space. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

Commissioner Brenneman made a **motion** to approve the preliminary plat application of Creston Meadows 3 subject to the 10 amended conditions. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**BOARD APPOINTMENT: WHITEFISH CITY-COUNTY PLANNING**

Present at the March 10, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, and Clerk Moser.

Commissioner Brenneman made a **motion** to appoint Kerry Crittenden to the Whitefish City-County Planning Board. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF PRINTING BIDS: HUMAN RESOURCE OFFICE**

Present at the March 10, 2005 10:15 A.M. meeting were Chairman Hall, Commissioner Brenneman, Human Resource Director Raeann Campbell, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve the bid from American Printing for envelopes in the amount of \$62.27. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

**CONSIDERATION OF ADOPTION OF RESOLUTION: MODIFY TAX INCENTIVE FOR REMODEL BUILDINGS**

Present at the March 10, 2005 10:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Deputy County Attorney Jonathan Smith, and Clerk Moser.

Commissioner Brenneman made a **motion** to approve Resolution 475B. Commissioner Hall **seconded** the motion. **Aye** - Hall and Brenneman. Motion carried by quorum.

RESOLUTION NO. 475B

WHEREAS, the Montana Legislature has provided for property tax incentives to encourage construction for remodeling existing structures (Section 15-24-1504, M.C.A.);

WHEREAS, the legislation requires that local governing bodies approve the implementation of such incentives in their jurisdictions, following a public hearing, prior to the incentives becoming effective; and

WHEREAS, the Board of Commissioners of Flathead County conducted a public hearing on the 8<sup>th</sup> day of April 1983; and

WHEREAS, the Board of Commissioners of Flathead County determined that the tax incentives for remodeling are appropriate to aid in the economic development of Flathead County and, therefore, enacted Resolution No. 475 to implement those tax incentives;

WHEREAS, the Board of Commissioners of Flathead County amended Resolution 475, by the adoption of Resolution 475A on February 21, 1984, to require that the application for the tax benefits be submitted and approved prior to the commencement of said remodeling and by adopting an application form; and

WHEREAS, the State adopted Form AB 56 by which taxpayers can apply for tax incentive benefits provided under Section 15-24-1504, M.C.A., and that form contains sufficient information for the County's purposes in reviewing applications for the tax incentive benefits.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County that in order to qualify for the tax benefits provided for in Resolution 475, the applicant shall submit an application on the form provided by the State of Montana and the application must be filed prior to the completion of construction of the remodeling for which the tax benefits are sought.

Dated this 10<sup>th</sup> day of March, 2005.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By /s/Gary D. Hall  
Gary D. Hall, Chairman

By \_\_\_\_\_  
Robert W. Watne, Member

**THURSDAY, MARCH 10, 2005  
(Continued)**

ATTEST:  
Paula Robinson, Clerk

By /s/ Joseph D. Brenneman  
Joseph D. Brenneman, Member

By /s/ Kimberly Moser  
Kimberly Moser Deputy

**DOCUMENT FOR SIGNATURE: PROFESSIONAL SERVICES CONTRACT/ B. GORTON**

Present at the March 10, 2005 10:30 a.m. meeting were Chairman Hall, Commissioner Brenneman, Human Resource Director Raeann Campbell, Deputy County Attorney Jonathan Smith, and Clerk Moser

Discussion was held relative to the purpose of the contract. Raeann Campbell brought up the point of the fact that the contract did not contain any information on workers compensation insurance. The Commissioners discussed with Raeann and Jonathan about what their options are. The decision was made to not sign the contract, and discuss the possibility of making him a temporary employee.

**COUNTY SURVEYOR INTERVIEWS: JIM BURTON & JACKOLA ENGINEERING**

Present at the March 10, 2005 11:00 A.M. meeting were Chairman Hall, Commissioner Brenneman, Jim Burton with Jackola Engineering, and Clerk Moser.

Discussion was held relative to Jim Burton and Jackola Engineering's qualifications, the cost over services, and contract negotiations, the cost will be the same as the original contract for the Examining Surveyor, for the County Land Surveyor rates are at a reduction of 25% of what they charge others, the law that requires the county to have a surveyor under contract, and the status of the Road Department hiring a Surveyor, Jonathan informed Jim Burton of the requirement that would be added to the contract for proof if workers compensation insurance.

Commissioner Brenneman made a **motion** to approve the contracts fee structure and pending successful negotiations of the insurance required, approval of the contract. Commissioner Hall **seconded** the motion. **Aye** – Hall and Brenneman. Motion carried by quorum.

**MEETING W/ JOHNA MORRISON & BJ GRIEVE / PLANNING & ZONING RE: GROWTH POLICY BUDGET**

Present at the March 10, 2005 11:30 A.M. meeting were Chairman Hall, Commissioner Brenneman, Planning and Zoning Interim Director Johna Morrison, Planner BJ Grieve, and Clerk Moser.

Discussion was held relative to BJ Grieve gave a report on the status and timeline of the project, Collins Planning was chosen for the project, the idea of having a preliminary contract to come up with the scope of work, the inventory that will have to be done on what we have, where it is, and what needs to be done, Commissioner Hall discussed where they might be able to get the funds for the project, the possibility of having someone in house do the project, and the ups and downs of doing that, the qualifications of Collins Planning, Bill Collins was the director of Planning for Teton County and worked with them to create their growth policy, he has 27 years of experience in planning, Lane Kendig in 1980 wrote a book on performance zoning, he has a lot of experience, the company has written numerous Growth Policy Plans, the second choice was Consensus Planning, the question of where Flathead County is headed in types of planning, the Long Range Planning task force and the partnership with the Growth Policy, Commissioner Brenneman voiced the question of telling Collins Planning what we have and see what the cost would be with those resources, what the factors were for not hiring Consensus Planning, and the Commissioners requested to meet again to discuss this further.

**1:00 p.m. Commissioners Brenneman and Hall to attend Tour Swan Hill Drive W/ Charlie Johnson**  
**2:00 p.m. AOA Board meeting at Kalispell Senior Center**  
**7:30 Fair board meeting at the Fair Office.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 11<sup>th</sup>, 2005.

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**FRIDAY, MARCH 11, 2005**

The Board of County Commissioner met in continued session at 8:00 o'clock A.M. Chairman Hall, Commissioners Watne and Brenneman, and Clerk Robinson were present.

**Chairman Hall opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Hall closed the public comment period.**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock A.M. on March 14<sup>th</sup>, 2005.